

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re JASON S., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON S.,

Defendant and Appellant.

G056628

(Super. Ct. No. 17DL0189)

O P I N I O N

Appeal from orders of the Superior Court of Orange County, Louis W.
Clapp, Judge. Affirmed.

Randall Conner, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

* * *

We appointed counsel to represent the minor, Jason S., on appeal. Counsel filed a brief which set forth the facts of the case. Counsel did not argue against the client, but advised the court no issues were found to argue on the minor's behalf. Counsel states: "Appellant [, the minor,] appeals from the Orange County Juvenile Court's transfer order on June 21, 2018. Welfare and Institutions Code section 800 authorizes this appeal." That statute permits an appeal from an order or judgment of the juvenile court. The minor was given 30 days to file written argument in the minor's own behalf. That period has passed, and we have received no communication from the minor.

The minor, age 16, was charged with assault with force likely to produce great bodily harm and second degree robbery. Great bodily injury enhancements were charged with both crimes. The juvenile court ordered the case assigned to it for all purposes. The probation officer described the crimes to the court by reporting that "the youth is alleged to have assaulted the victim by slamming his face into the ground and punching the victim repeatedly until the victim gave the youth the key to his vehicle. The youth took the victim's debit card prior to fleeing in the victim's vehicle."

During his police interview, the minor said the victim is a pedophile and had been sexually abusing him for years. The police officer "felt the youth's aggressive behavior was quite typical of an individual who had suffered from sexual abuse over a period of time and ultimately got to the point where they were tired of it and thus violently acted out."

In his police interview, the minor said: "But then when I went back like, he tried to touch me inappropriately. So then like I just picked him up and slammed him and then his mouth hit the ground and then like, like, like I picked him up, and I slammed him, and then I saw his mouth hit the ground and his teeth fell out then I just started punching him. Like he was down and I just started punching him in the back of the head and more teeth came out and then I started stomping on him. . . ."

The police officer reported the victim changed his story frequently and was vague about his contacts with the minor. At some point, “the victim emailed one of the detectives indicating he would not provide any additional statements regarding the current matter in which he is a victim, without consulting an attorney first.”

At the hearing, the victim was asked if he had known the minor since he was four years old, and the victim responded to that question and every other question by invoking his right against self-incrimination. The responding police officer described the victim’s injuries and missing teeth.

The juvenile court found the allegations in the petition true beyond a reasonable doubt, and found the “matter to be a felony.” The court denied a motion “to reduce to a misdemeanor.” However, several weeks later when the case was transferred to Los Angeles County, the juvenile court ordered: “That youth’s charges be reduced to misdemeanors if he successfully completes probation. His offense was committed after he was sexually assaulted by victim.”

At the time of the minor’s arrest for the instant crimes, he was “a ward under 602 WIC with the Los Angeles County Delinquency Court,” and was on probation in Los Angeles County. There was an outstanding warrant in Los Angeles County for running away from placement. The Orange County probation officer reported to the Orange County juvenile court: “Given the youth is not a dependent in Orange County and there are no open investigations for abuse, the youth does not appear to qualify for services under Section 300 WIC. Therefore, it appears based on the youth’s continued law violations and delinquent behaviors, he is more suitable for continued probation supervision and placement through the Los Angeles County Probation Department,” and concluded: “In view of the foregoing, if the allegations of the petition are sustained, it is respectfully recommended that the youth’s legal residence be found to be Los Angeles County and proceedings be transferred to that county for disposition.”

When the minor appeared in Orange County juvenile court, he was in the custody of the Los Angeles County Department of Probation. At the end of Orange County proceedings, the juvenile court found the minor's residence was in Los Angeles County and ordered the matter transferred there, but the Orange County juvenile court did not sentence the minor.

Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, the entire case may be transferred to the juvenile court of the county where the person resides, and the juvenile court of that county "shall take jurisdiction of the case." (Welf. & Inst. Code, § 750.)

California Rules of Court, rule 5.610 (c)(2) provides that "[i]f the court decides to transfer a delinquency case, the court must order the transfer before beginning the disposition hearing without adjudging the child to be a ward." (See *In re Carlos B.* (1999) 76 Cal.App.4th 50, 53.)

We have examined the record and found no arguable issue. (*People v. Wende* (1979) 25 Cal.3d 436.)

The findings and orders of the juvenile court are affirmed.

MOORE, J.

WE CONCUR:

O'LEARY, P. J.

THOMPSON, J.